

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ANDREW PENG,

Plaintiff,

v.

GEM SERVICES INC,

Defendant.

No. 5:12-cv-00574 EJD

**ORDER TO SHOW CAUSE RE:  
SETTLEMENT**

The parties, having filed a Notice of Settlement on July 1, 2012 (See Docket Item No. 40), are ordered to appear before the Honorable Edward J. Davila on **September 7, 2012 at 9:00 AM** in Courtroom No. 4, 5th Floor, United States District Court, 280 South First Street, San Jose, California, 95113, to show cause why the case should not be dismissed pursuant to Federal Rule of Civil Procedure 41(b). On or before **August 31<sup>st</sup>, 2012**, the parties shall file a joint statement in response to the Order to Show Cause setting forth the status of settlement efforts as well as the amount of additional time necessary to finalize and file a dismissal.

The Order to Show Cause shall be automatically vacated and the parties relieved of the obligation to file a joint statement if a stipulated dismissal pursuant to Federal Rule of Civil Procedure 41(a) is filed on or before **August 31<sup>st</sup>, 2012**.

All pending motions, pretrial deadlines and hearing dates are terminated.

Failure to comply with any part of this Order will be deemed sufficient grounds to dismiss the action.

**IT IS SO ORDERED.**

Dated: 7/2/2012

  
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EDWARD J. DAVILA  
UNITED STATES DISTRICT JUDGE